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September 20, 2024

VIA ECF

Hon. Jennifer L. Rochon
Daniel Patrick Moynihan United States Courthouse
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

**Re: *Cengage Learning, Inc. et al. v. Google LLC*, No. 1:24-cv-04274-JLR-BCM
Consent Request for Extension of Time**

Dear Judge Rochon:

We represent Plaintiffs in the above-referenced action. In accordance with Federal Rule of Civil Procedure 6(b)(1), Local Civil Rule 7.1(d), and Rule 1(F) of the Court's Individual Rules of Practice in Civil Cases, we respectfully request that the Court approve the briefing schedule set forth below for Defendant Google's forthcoming motion to dismiss Plaintiffs' Amended Complaint. Google consents to this request.

Plaintiffs filed this action on June 5, 2024. Dkt. 1. Google moved to dismiss three of the four claims in the original complaint. Dkt. 28. On September 16, 2024, Plaintiffs filed an Amended Complaint as of right under Federal Rule of Civil Procedure 15(a)(1)(B). Dkt. 38. Under Rule 3(B) of the Court's Individual Rules of Practice in Civil Cases, Plaintiffs' Amended Complaint has mooted Google's prior motion to dismiss. Google has informed Plaintiffs that it intends to move to dismiss the Amended Complaint. Under the relevant rules:

1. Google's motion to dismiss any claims in the Amended Complaint would be due on September 30, 2024. FED. R. CIV. P. 15(a)(3).
2. Plaintiffs' opposition to the motion would be due on October 14, 2024. Local Civ. R. 6.1(b).
3. Google's reply to Plaintiffs' opposition would be due on October 21, 2024. Local Civ. R. 6.1(b).

With Google's consent, Plaintiffs respectfully request an extension of the latter two deadlines, resulting in the following briefing schedule:

1. Google shall file its motion to dismiss any claims in the Amended Complaint by September 30, 2024.

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2. Plaintiffs shall file their opposition to the motion by October 30, 2024.
3. Google shall file its reply to Plaintiffs' opposition by November 20, 2024.

This is Plaintiffs' first request for an extension of time as to Google's motion to dismiss the Amended Complaint. The Court previously granted the parties' request to extend the briefing schedule for Google's motion to dismiss the original complaint. Dkt. 24. That schedule provided Plaintiffs 30 days to oppose Google's motion, and provided Google 14 days to reply. *Id.* The schedule proposed above follows a similar timeline (30 days for Plaintiffs to oppose Google's motion and 21 days for Google's reply). The proposed briefing schedule will not affect any other deadlines in the Case Management Order, Dkt. 34.

We thank the Court for considering this request.

Sincerely,

/s/ Michele H. Murphy

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Counsel for Plaintiffs

Plaintiffs' request for an extension of time to respond to Defendant's forthcoming motion to dismiss Plaintiffs' Amended Complaint is GRANTED. Plaintiffs shall file their opposition to the motion by October 30, 2024. Defendant shall file its reply to Plaintiffs' opposition by November 30, 2024. Defendants' prior motion to dismiss Plaintiff's complaint, ECF No. 27, is now moot. This resolves Defendant's Motion at ECF No. 27.

Dated: September 20, 2024
New York, New York

SO ORDERED.

Jennifer Rochon
JENNIFER L. ROCHON
United States District Judge